

# **EXHIBIT 240**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' RESPONSE IN OPPOSITION TO CURLING  
PLAINTIFFS' FOURTH MOTION FOR PRELIMINARY INJUNCTION**

**INTRODUCTION**

Curling Plaintiffs' position in their fourth preliminary-injunction motion remains breathtaking—that the U.S. Constitution prohibits the use of an electronic voting system used throughout the country and, even more so, that the Constitution *mandates* their preferred method of voting, hand-marked paper ballots. Curling Plaintiffs ask this Court to throw out a system recommended by the National Academy of Sciences and the U.S. Intelligence Committee, certified by the U.S. Election Assistance Commission, and selected by election experts and the Georgia General Assembly. They invite chaos in the November elections in the process based on a record this Court

The opinion further ignores the actual technology and its implementation. An optical scanner does not read the text portion of either a BMD-marked ballot or a hand-marked ballot, because it reads information at coordinates, regardless of whether the information is created by a BMD or by hand. Coomer Dec. at ¶ 9. BMDs that print barcodes are widely used—including in six of the ten largest counties in the country, including Los Angeles, California; Cook County/City of Chicago; Maricopa, Arizona; San Diego, California; Dallas, Texas; and Riverside, California. Coomer Dec. at ¶ 5. Of those six counties, five are using Dominion BMDs.<sup>13</sup> *Id.*

Because Georgia's new voting system produces paper ballots that clearly indicate voters' selections, they can also be audited. While Dr. Halderman previously agreed that a sufficient audit of a BMD-generated ballot can "detect and correct" the kinds of hypothetical hacking attacks about which he warns, [Doc. 619-2 at ¶¶ 6-7], he now says that no audit of any BMD system would ever be enough to satisfy him, [Doc. 785-2 at ¶ 51]. Curling Plaintiffs do not explain Dr. Halderman's change on this point.

After gaining information from the pilot audits during and after the November 2019 election, the State Election Board proposed a rule for public

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<sup>13</sup> Dr. Halderman acknowledges that Dominion does not currently have an EAC-certified non-barcode BMD system. [Doc. 785-2 at ¶ 38].

Respectfully submitted this 26th day of August, 2020.

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